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C O N F I D E N T I A L ANKARA 001442

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E.O. 12958: DECL: 03/15/2016
TAGS: [PREL](#) [PGOV](#) [MARR](#) [MOPS](#) [TU](#)
SUBJECT: INDICTMENT OF TURKISH LAND FORCES COMMANDER
BUYUKANIT - THE FINGER POINTING CONTINUES

REF: A. ANKARA 1153
[1](#)B. ANKARA 1254

Classified By: DCM Nancy McEldowney for reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: The Turkish General Staff (TGS) has reviewed the indictment issued against TLFC Commander GEN Buyukanit (ref a) and determined that there is no reason to approve a trial, while the ruling Justice and Development Party (AKP) Justice Minister has launched an investigation into the prosecutor who filed the indictment. The AKP government maintains that the indictment was the independent work of the prosecutor and that the AKP has no connection with the accusation. Many in the media continue to point the finger at the government but several insiders speculate that Kurdish parliamentarians may be the instigators. Public support for GEN Buyukanit remains high. END SUMMARY.

[1](#)2. (U) On March 8, the Van Provincial Criminal Court accepted the indictment against Turkish Land Forces Command (TLFC) Commander GEN Yasar Buyukanit for abuse of power and attempting to interfere in the court case against suspects in the Nov. 1 Semdinli bookstore bombing. The indictment was subsequently submitted to Chief of the Turkish General Staff (CHOD) GEN Hilmi Ozkok for a decision on whether to try the General. (Note: Prosecutors cannot bring cases against military members without the approval of TGS.) CHOD Ozkok publicly opined that the accusation against Buyukanit strengthens Buyukanit's public standing and, on March 20, TGS announced its decision that there is no reason to launch an investigation into "General Staff personnel" (read: Buyukanit) in relation to the Semdinli incident. In its announcement, TGS also suggested that some parts of the Semdinli indictment aimed to "weaken the Turkish Armed Forces, and their fight against terrorism."

[1](#)3. (C) Minister of Justice Cemil Cicek has launched an investigation into Ferhat Sarikaya, the Van Chief Prosecutor who issued the indictment, to determine if there were any irregularities in the investigation that led to the charges. Former TGS DCHOD GEN (Ret.) Edip Baser and Major General Cengiz Arslan, former TGS J-5 Strategy Division Chief and current Deputy Commander of the 3rd Army Corps and Commander of the 52nd Mechanized Division in Istanbul, insisted to us that the only evidence against Buyukanit is a single statement made to the Parliamentary Investigation Committee on Semdinli, which Sarikaya used without seeking corroborating evidence through an independent investigation. Arslan chalked the indictment up to "a crazy prosecutor," adding that "Turkey has a few of them." Adding to the speculation, TLFC Chief of Staff GEN Ergin Saygun and former President Suleyman Demirel both separately expressed to us

their belief that (unspecified) Kurdish parliamentarians, not the government, are behind the accusation.

¶4. (C) The government continues to publicly claim its innocence of any attempt to interfere with GEN Buyukanit's expected promotion to TGS CHOD on Aug. 30. Addressing a Mar. 11-12 retreat for ruling AKP parliamentarians, PM Erdogan reportedly rejected reports that the indictment was designed to block Buyukanit's promotion and noted that the government has always respected the procedures for the selection of a new CHOD, which are clearly defined by the constitution and by law. Murat Yetkin, a columnist for a leading Turkish daily Radikal, told us that an official in the Prime Ministry's office said that when the indictment was announced, "it was as if someone threw a hand grenade into our lap." AKP's Political and Legal Affairs Vice Chair -- a Kurd -- asked us rhetorically how the indictment could possibly help AKP, which is seeking political stability in the run up to expected 2007 elections. Ozkok, for his part, is maintaining public pressure on the AKP government, telling the Prime Minister on Mar. 14 that the government must defend the military.

¶5. (C) Whatever the truth, public support remains largely behind GEN Buyukanit. According to a respected public opinion poll, 72% of Turks believe that Buyukanit is innocent. EU Embassies here are watching closely from the sidelines. According to the Italian PolCouns, the EC is happy to see an independent prosecution in Turkey -- if that is actually the case -- but it is unhappy that the decision to try the General is left to the military. For the time being, however, he claimed this is a low EU priority.

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